

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

NOTICE

CONSENT TO TRIAL BY MAGISTRATE JUDGE

Pursuant to Federal Rule of Civil Procedure 73 and 28 U.S.C. § 636(c) you may request to have your case conducted before a United States Magistrate Judge upon consent of all parties and approval by a United States District Judge. In order to proceed before a Magistrate Judge, a consent form must be filed with the Clerk's Office. It may be filed jointly or separately. The consent form may be printed from the U.S. District Court website (listed below) or obtained from the Clerk's Office. Please refer to the previously mentioned rule for further information.

FINANCIAL INTEREST DISCLOSURE STATEMENT

Pursuant to Local Rule 7.1, a financial disclosure statement must be filed by a “nongovernmental corporation, partnership, trust, [or] other similar entity that is a party to, or that appears in, an action or proceeding in this Court.” This statement should be filed in duplicate with the party's “first appearance, pleading, petition, motion, response, or other request addressed to the Court”. The financial interest disclosure statement may be printed from the U.S. District Court website (listed below) or obtained from the Clerk's Office. Please refer to the previously mentioned rule for further information. Failure to file the financial interest disclosure statement as required by Local Rule 7.1 will result in this first submission being filed subject to defect by the Clerk.

WEBSITE AND CLERK'S OFFICES ADDRESSES

The website address for the U.S. District Court for the Eastern District of Virginia is www.vaed.uscourts.gov. If you do not have access to a computer, contact one of the Clerk's Offices listed below to obtain either of these forms:

Albert V. Bryan United States Courthouse
401 Courthouse Square
Alexandria, VA 22314
(703) 299-2101

Walter E. Hoffman United States Courthouse
600 Granby Street
Norfolk, VA 23510
(757) 222-7201

Spottswood W. Robinson III and
Robert R. Merhige, Jr., Federal Courthouse
701 East Broad Street
Richmond, VA 23219
(804) 916-2220

United States Courthouse
2400 West Avenue
Newport News, VA 23607
(757) 247-0784

TO ALL COUNSEL:

PROCEDURE FOR CIVIL PRE-TRIAL MOTIONS (LOCAL RULE 7)
AND CONSENTS

Please note that a memorandum of law shall accompany all motions (unless excepted by the Rule). After all briefs are filed, it is incumbent upon counsel for the moving party to confer with opposing counsel and advise this office by letter when ruling or determination by submission is desired. See Local Rule 26 for discovery motion procedures. Unless otherwise directed by the Judge, all discovery issues shall be directed to the Magistrate Judge assigned to the civil action.

Where consent to trial by a Magistrate Judge is agreed upon, it should be filed with the clerk prior to a request for a ruling or a hearing upon any dispositive pre-trial motion.

Requests for ruling or determination without oral argument are to be addressed in writing to the Civil Section of the Clerk's Office, U.S. District Court, Room 193B, 600 Granby Street, Norfolk, Virginia 23510, with copies to all parties.

Request for oral argument should be communicated promptly by counsel to Elva Evans, the Judges' courtroom deputy, at (757) 222-7228 and thereafter be confirmed in writing to the court and all parties by the requesting party.

The motions described on the reverse of this notice are automatically referred to a judge for decision promptly after receipt of the rebuttal brief (absent a prior request for hearing).

ALL COURT PAPERS are to be filed only with the clerk. Unless specifically directed otherwise, no pleadings, briefs or correspondence may be filed with or mailed to the judge.

Henry Coke Morgan, Jr.
United States Senior District Judge

PRE-TRIAL MOTIONS TO BE DETERMINED
WITHOUT ORAL ARGUMENT

I. GENERAL

A. The following motions are automatically referred by the civil section to a Judge for decision, unless a request for oral argument accompanies the motion or responsive brief:

1. For a change of venue to another court or divisional office of this court;
2. To stay and/or for arbitration;
3. To remand to state court;
4. To join necessary party(ies). Rule 19, FRCP.
5. Rule 12 motions to dismiss for:
 - a. Insufficiency of process of service (motion to quash);
 - b. For failure to state a claim upon which relief may be granted;
 - c. More definite statement;
 - d. Lack of jurisdiction.

B. Motions are referred for decision without oral argument, notwithstanding a request for same, when:

1. Directed by the initial pretrial order;
2. Directed by the Judge; or
3. Requested by all parties.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk and Newport News Divisions

In Re: Motions in Civil Actions:)
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O R D E R

A party filing a motion, response or other pleading requiring a ruling, hearing or determination by the Court, as soon as the briefing is complete, shall have the obligation to bring it to the attention of the Court. If a hearing is desired, counsel shall first secure available dates from all parties and thereafter arrange a timely hearing date with the Judge's courtroom deputy, Elva Evans (757-222-7228). If a hearing is not timely requested, the Court may decide the motion upon the briefs.

All parties shall comply with the provisions of Rule 7(F)(1)(2) and (3), Local Rules of Practice, which reads as follows:

(F) Briefs Required:

- (1) All motions, unless otherwise directed by the Court and except as noted hereinbelow in subsection 7(F)(2), shall be accompanied by a written brief setting forth a concise statement of the facts and supporting reasons, along with a citation of the authorities upon which the movant relies. Unless otherwise directed by the Court, the opposing party shall file a responsive brief and such supporting documents as are appropriate, within eleven (11) days after service and the moving party may file a rebuttal brief within three (3) days after the service of the opposing party's reply brief. No further briefs or written communications may be filed without first obtaining leave of Court.
- (2) Briefs need not accompany motions: (a) for a more definite statement; (b) for an extension of time to respond to pleadings, unless the time has already expired; and (c) for a default judgment.
- (3) Except for good cause shown in advance of filing, opening and responsive briefs, exclusive of affidavits and supporting documentation, shall not exceed thirty (30) 8-1/2 8 inch x 11 inch pages double-spaced using 10 pitch typeface and rebuttal briefs shall not exceed twenty (20) such pages.

The clerk shall provide a copy of this Order and a copy of "Procedure For Civil Pre-trial Motions (Local Rule 7) and Consents" to each plaintiff or counsel at the time a complaint is filed, and shall attach copies to the complaint for service upon all defendants.

IT IS SO ORDERED.

/s/

HENRY COKE MORGAN, JR.
UNITED STATES SENIOR DISTRICT JUDGE

Date: March 2, 2007